

REMARKS

Claims 1-21, 23-27, and 29 are pending in the application. Claims 1, 11, 18, 21, and 27 are independent. By the foregoing Amendment, claims 1, 11, 14, 18, 21, and 27 have been amended and claims 22, 28, and 30 have been canceled. These changes are believed to introduce no new matter and their entry is respectfully requested.

Rejection of Claims 27-30 Under 35 U.S.C. §101

In the Office Action, the Examiner rejected claims 27-30 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants respectfully traverse the rejection.

Although Applicants disagree with the Examiner's characterization of claims 27-30, Applicants have amended claim 27 to recite in relevant part "a machine-readable medium including a plurality of instructions which when *executed by a controller* perform operations comprising" (emphasis added). Claims 28-30 include this feature by virtue of their dependency on claim 27. Applicants respectfully submit that this amendment overcomes the rejection and request that the rejection to claims 27-30 be reconsidered and withdrawn.

Rejection of Claims 1-30 Under 35 U.S.C. §102(e)

In the Office Action, the Examiner rejected claims 1-30 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0198236 to Denton et al. (hereinafter "*Denton*"). Applicants respectfully traverse the rejection.

A claim is anticipated only if each and every element of the claim is found, either expressly or inherently, in a reference. (MPEP §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id. citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989)). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Applicants respectfully submit that *Denton* fails to disclose the identical invention as that recited in the claims.

Amended claim 1 recites in pertinent part “streaming the data from the tunable optical device *using a serial interface that is coupled to a select pin, a data clock pin, and a data pin of a controller* coupled to the tunable optical device” (emphasis added). Support for these changes can be found in original claim 14, thus no new search is required.

In the Office Action, with regard to claim 1 the Examiner cites ¶ [0052] of *Denton* for disclosing “capturing operational data from optical components” and cites ¶ [0026] of *Denton* for disclosing “receiving the data at a data acquisition unit communicatively coupled to the tunable optical device.” With regard to claim 14, the Examiner cites ¶ [0048] of *Denton* for disclosing “wherein the serial interface is coupled to a select pin, a data clock pin, and a data pin of the controller, the select pin to signal a device communicatively coupled to the serial interface to prepare to receive the plurality of sets of real-time data.” The Examiner also cites ¶ [0025] of *Denton* for disclosing “the data clock pin to indicate the data rate that the plurality of sets of real-time data are to be outputted from the serial interface, the data pin to output the plurality of sets of real-time data from the tunable optical device” Applicants respectfully disagree.

For example, ¶ [0048] of *Denton* discloses “[p]rotocol flow selection function 414 is employed to specify for optical networking module 100, more specifically, for multi-protocol processor 106 (by way of control function unit 108), the “operating” protocol flow. The protocol flow for the embodiment, as alluded to earlier, may be SONET stream, SONET packet, Packet over SONET (POS), 10Gbase-LR, 10Gbase-LW and so forth. As described earlier, in response, the appropriate interfaces and processing units of multi-protocol processor 106 will be selectively employed in combination to handle the egress and ingress data transmitted in accordance with the specified protocol. Configuration selection function 416 is employed to configure optical networking module 100. In a preferred embodiment, a number of pre-defined configuration files specifying the configuration Of optical networking module 100 for various operational frameworks, i.e. SONET stream, SONET frame etc., are also provided. Preferably, the configurable actions/parameters include setting/resetting buffer sizes, setting/resetting various operation parameters of the various protocols including getting their current settings. Configuration selection function 416 is employed to specify which one of these pre-provided configuration specifications is to be employed. In one embodiment, an editing function (not

shown) is also employed to facilitate editing and modification of the pre-provided configuration specifications.”

Applicants respectfully submit that there is no disclosure in ¶ [0048] of *Denton* that discloses a controller having a select pin. To be fair, ¶ [0048] of *Denton* appears to disclose that a “[p]rotocol flow selection function 414 is employed to specify for optical networking module 100...the “operating” protocol flow.” Applicants respectfully submit, however, that there is no indication in ¶ [0048] of *Denton* as to how this selection function 414 operates or what its components are. ¶ [0048] of *Denton* also appears to disclose that a “[c]onfiguration selection function 416 is employed to configure optical networking module 100...for various operational frameworks, i.e. SONET stream, SONET frame etc... to specify which one of these pre-provided configuration specifications is to be employed.” Applicants respectfully submit, however, that there is no indication in ¶ [0048] of *Denton* as to how this selection function 416 operates or what its components are. In any event, there certainly is no disclosure that selection functions 414 and 416 operate by using a “*select pin* to signal a device communicatively coupled to the serial interface to prepare to receive the plurality of sets of real-time data” (emphasis added) as is recited in amended claim 1.

Applicants respectfully submit that there is no disclosure in ¶ [0048] of *Denton* that discloses a controller having a data clock pin and/or a data pin. To be fair, ¶ [0025] of *Denton* appears to disclose “[i]n one embodiment, the support electronics further include serializer/deserializer, clock and data recovery, and clock grooming circuitry.” Applicants respectfully submit, however, that there is no indication in ¶ [0025] of *Denton* as to how the support electronics operate. In any event, there certainly is no disclosure that the support electronics includes a “*data clock pin* to indicate the data rate that the plurality of sets of real-time data are to be outputted from the serial interface, the *data pin* to output the plurality of sets of real-time data from the tunable optical device” (emphasis added) as recited in amended claim 1.

Amended claim 11 recites in pertinent part “a controller coupled to the tunable optical device, the *controller including a serial interface* coupled to a processor, the controller to

capture a plurality of sets of real-time data from the tunable optical device during operation of the tunable optical device, the plurality of sets of real-time data being associated with at least one operational parameter of the tunable optical device, the controller to stream the plurality of sets of real-time data from the tunable optical device, wherein *the serial interface is coupled to a select pin, a data clock pin, and a data pin of the controller*” (emphasis added). Support for these changes can be found in original claim 14, thus no new search is required.

In the Office Action, with regard to claim 11 the Examiner cites Figs. 1-2, ¶ [0026] and ¶ [0052] of *Denton* for disclosing “a tunable optical device; and a controller coupled to the tunable optical device, the controller including a serial interface coupled to a processor, the controller to capture a plurality of sets of real-time data from the tunable optical device during operation of the tunable optical device, the plurality of sets of real-time data being associated with at least one operational parameter of the tunable optical device, the controller to stream the plurality of sets of real-time data from the tunable optical device.” With regard to claim 14, the Examiner cites ¶ [0048] of *Denton* for disclosing “wherein the serial interface is coupled to a select pin, a data clock pin, and a data pin of the controller, the select pin to signal a device communicatively coupled to the serial interface to prepare to receive the plurality of sets of real-time data.” The Examiner also cites ¶ [0025] of *Denton* for disclosing “the data clock pin to indicate the data rate that the plurality of sets of real-time data are to be outputted from the serial interface, the data pin to output the plurality of sets of real-time data from the tunable optical device” Applicants respectfully disagree.

Applicants respectfully reiterate that there is no disclosure in ¶ [0048] of *Denton* that discloses a controller having a select pin. To be fair, ¶ [0048] of *Denton* appears to disclose that a “[p]rotocol flow selection function 414 is employed to specify for optical networking module 100...the “operating” protocol flow.” Applicants respectfully submit, however, that there is no indication in ¶ [0048] of *Denton* as to how this selection function 414 operates or what its components are. ¶ [0048] of *Denton* also appears to disclose that a “[c]onfiguration selection function 416 is employed to configure optical networking module 100...for various operational frameworks, i.e. SONET stream, SONET frame etc... to specify which one of these pre-provided configuration specifications is to be employed.” Applicants respectfully submit, however, that

there is no indication in ¶ [0048] of *Denton* as to how this selection function 416 operates or what its components are. In any event, there certainly is no disclosure that selection functions 414 and 416 operate by using a “*select pin* to signal a device communicatively coupled to the serial interface to prepare to receive the plurality of sets of real-time data” (emphasis added) as is recited in amended claim 11.

Applicants respectfully reiterate that there is no disclosure in ¶ [0048] of *Denton* that discloses a controller having a data clock pin and/or a data pin. To be fair, ¶ [0025] of *Denton* appears to disclose “[i]n one embodiment, the support electronics further include serializer/deserializer, clock and data recovery, and clock grooming circuitry.” Applicants respectfully submit, however, that there is no indication in ¶ [0025] of *Denton* as to how the support electronics operate. In any event, there certainly is no disclosure that the support electronics includes a “*data clock pin* to indicate the data rate that the plurality of sets of real-time data are to be outputted from the serial interface, the *data pin* to output the plurality of sets of real-time data from the tunable optical device” (emphasis added) as recited in amended claim 11.

Amended claim 18 recites in pertinent part “streaming the first plurality of data points from the tunable optical device *using a serial interface that is coupled to a select pin, a data clock pin, and a data pin of a controller coupled to the tunable optical device*” (emphasis added). Support for these changes can be found in original claim 14, thus no new search is required.

In the Office Action, with regard to claim 18 the Examiner cites Figs. 1-2, ¶ [0026] and ¶ [0052] of *Denton* for disclosing “a tunable optical device; and a controller coupled to the tunable optical device, the controller including a serial interface coupled to a processor, the controller to capture a plurality of sets of real-time data from the tunable optical device during operation of the tunable optical device, the plurality of sets of real-time data being associated with at least one operational parameter of the tunable optical device, the controller to stream the plurality of sets of real-time data from the tunable optical device.” With regard to claim 14, the Examiner cites ¶ [0048] of *Denton* for disclosing “wherein the serial interface is coupled to a

select pin, a data clock pin, and a data pin of the controller, the select pin to signal a device communicatively coupled to the serial interface to prepare to receive the plurality of sets of real-time data.” The Examiner also cites ¶ [0025] of *Denton* for disclosing “the data clock pin to indicate the data rate that the plurality of sets of real-time data are to be outputted from the serial interface, the data pin to output the plurality of sets of real-time data from the tunable optical device” Applicants respectfully disagree.

Again, Applicants respectfully reiterate that there is no disclosure in ¶ [0048] of *Denton* that discloses a controller having a select pin. To be fair, ¶ [0048] of *Denton* appears to disclose that a “[p]rotocol flow selection function 414 is employed to specify for optical networking module 100...the “operating” protocol flow.” Applicants respectfully submit, however, that there is no indication in ¶ [0048] of *Denton* as to how this selection function 414 operates or what its components are. ¶ [0048] of *Denton* also appears to disclose that a “[c]onfiguration selection function 416 is employed to configure optical networking module 100...for various operational frameworks, i.e. SONET stream, SONET frame etc... to specify which one of these pre-provided configuration specifications is to be employed.” Applicants respectfully submit, however, that there is no indication in ¶ [0048] of *Denton* as to how this selection function 416 operates or what its components are. In any event, there certainly is no disclosure that selection functions 414 and 416 operate by using a “*select pin* to signal a device communicatively coupled to the serial interface to prepare to receive the plurality of sets of real-time data” (emphasis added) as is recited in amended claim 11.

Applicants also respectfully reiterate that there is no disclosure in ¶ [0048] of *Denton* that discloses a controller having a data clock pin and/or a data pin. To be fair, ¶ [0025] of *Denton* appears to disclose “[i]n one embodiment, the support electronics further include serializer/deserializer, clock and data recovery, and clock grooming circuitry.” Applicants respectfully submit, however, that there is no indication in ¶ [0025] of *Denton* as to how the support electronics operate. In any event, there certainly is no disclosure that the support electronics includes a “*data clock pin* to indicate the data rate that the plurality of sets of real-time data are to be outputted from the serial interface, the *data pin* to output the plurality of sets

of real-time data from the tunable optical device” (emphasis added) as recited in amended claim 11.

Amended claim 21 recites in pertinent part “*receiving a select signal* at a data acquisition unit *from a select pin of a serial interface of a controller* coupled to a tunable optical device, the select signal to indicate to the data acquisition unit to prepare to receive a data stream from the tunable optical device” (emphasis added). Support for these changes can be found in original claim 22, thus no new search is required.

In the Office Action, with regard to claim 21 the Examiner cites ¶¶ [0030], [0034], [0043], [0048], and [0052] of *Denton* for disclosing “receiving a data stream from a tunable optical device at a data acquisition unit, wherein the data stream includes data periodically captured from the tunable optical device, the data being associated with at least one operational parameter of the tunable optical device; and storing the data in a storage device communicatively coupled to the data acquisition unit.” With regard to claim 22, the Examiner cites ¶ [0048] of *Denton* for disclosing “receiving a select signal at the data acquisition unit to indicate to the data acquisition unit to prepare to receive the data stream.” Applicants respectfully disagree.

Applicants again refer to the text of ¶ [0048] of *Denton* reproduced above. Applicants respectfully submit that there is no disclosure in ¶ [0048] of *Denton* receiving a select signal at a data acquisition unit to indicate to the data acquisition unit to prepare to receive a data stream from a tunable optical device. To be fair, ¶ [0048] of *Denton* appears to disclose that a “[p]rotocol flow selection function 414 is employed to specify for optical networking module 100...the “operating” protocol flow.” Applicants respectfully submit, however, that there is no indication in ¶ [0048] of *Denton* as to how this selection function 414 operates or what its components are. ¶ [0048] of *Denton* also appears to disclose that a “[c]onfiguration selection function 416 is employed to configure optical networking module 100...for various operational frameworks, i.e. SONET stream, SONET frame etc... to specify which one of these pre-provided configuration specifications is to be employed.” Applicants respectfully submit, however, that there is no indication in ¶ [0048] of *Denton* as to how this selection function 416 operates or what its components are. In any event, there certainly is no disclosure that selection functions 414

and 416 operate by using a “*receiving a select signal* at a data acquisition unit *from a select pin of a serial interface of a controller* coupled to a tunable optical device, the select signal to indicate to the data acquisition unit to prepare to receive a data stream from the tunable optical device” (emphasis added) as is recited in amended claim 21.

Amended claim 27 recites in pertinent part “streaming the plurality of data frames from the tunable optical device by *sending a select signal to a select line of the serial interface* that is coupled to the tunable optical device to signal a device communicatively coupled to the tunable optical device to prepare to receive streaming of a plurality of data frames and sending the plurality of data frames from a serial interface coupled to the tunable optical device” (emphasis added). Support for these changes can be found in original claims 28 and 30, thus no new search is required.

In the Office Action, with regard to claim 27 the Examiner cites ¶¶ [0026], [0034], [0043], [0048], and [0052] of *Denton* for disclosing “a machine-readable medium including a plurality of instructions which when executed perform operations comprising: capturing real-time data from a tunable optical device during operation of the tunable optical device, the data being associated with at least one operational parameter of the tunable optical device; forming a plurality of data frames from the real-time data, each data frame of the plurality of data frames including at least one data point captured from the tunable optical device at a particular time; and streaming the plurality of data frames from the tunable optical device.” With regard to claim 28, the Examiner cites ¶¶ [0033] – [0035] of *Denton* for disclosing “wherein streaming the plurality of data frames comprises sending the plurality of data frames from a serial interface coupled to the tunable optical device.” With regard to claim 30, the Examiner cites ¶ [0048] of *Denton* for disclosing “wherein execution of the plurality of instructions further perform operations comprising sending a select signal to a select line of the serial interface to signal a device communicatively coupled to the tunable optical device to prepare to receive streaming of the plurality of data frames.” Applicants respectfully disagree.

Applicants again refer to the text of ¶ [0048] of *Denton* reproduced above. Applicants respectfully submit that there is no disclosure in ¶ [0048] of *Denton* sending a select signal to a

select line of a serial interface to signal a device communicatively coupled to a tunable optical device to prepare to receive streaming of a plurality of data frames. To be fair, ¶ [0048] of *Denton* appears to disclose that a “[p]rotocol flow selection function 414 is employed to specify for optical networking module 100...the “operating” protocol flow.” Applicants respectfully submit, however, that there is no indication in ¶ [0048] of *Denton* as to how this selection function 414 operates or what its components are. ¶ [0048] of *Denton* also appears to disclose that a “[c]onfiguration selection function 416 is employed to configure optical networking module 100...for various operational frameworks, i.e. SONET stream, SONET frame etc... to specify which one of these pre-provided configuration specifications is to be employed.” Applicants respectfully submit, however, that there is no indication in ¶ [0048] of *Denton* as to how this selection function 416 operates or what its components are. In any event, there certainly is no disclosure that selection functions 414 and 416 operate by using a “wherein execution of the plurality of instructions further perform operations comprising sending *a select signal to a select line* of the serial interface to signal a device communicatively coupled to the tunable optical device to prepare to receive streaming of the plurality of data frames” (emphasis added) as is recited in amended claim 27.

Applicants therefore respectfully submit that because these features are missing from *Denton*, *Denton* fails to disclose the identical invention as recited in claims 1, 11, 18, 21, and/or 27. Accordingly, Applicant respectfully submits that claims 1, 11, 18, 21, and 27 are patentable over *Denton*.

Claims 22, 28, and 30 have been canceled, rendering the rejection of them moot. Claims 2-10, 12-17, 19-20, 23-26, and 29 properly depend from claims 1, 11, 18, 21, and 27, respectively, and are thus patentable for at least the same reasons that claims 1, 11, 18, 21, and 27 are patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 1-30.

CONCLUSION

Applicants respectfully submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

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